

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**TRUSTEES OF THE SHEET METAL
WORKERS' LOCAL UNION NO. 28
FUNDS AND PLANS ET AL, ET AL.,**

Plaintiffs,

-against-

BLUE SKY ENERGY & SUPPLY LLC,

Defendant.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#: _____
DATE FILED: 11/20/2020

1:20-cv-2226-ALC

Order for Default Judgment

ANDREW L. CARTER, JR., United States District Judge:

This action was initiated on March 12, 2020 with the filing of a Complaint. ECF No. 2. Plaintiffs served the Summons and Complaint on Defendant Blue Sky Energy & LLC by personally serving the personal agent of Defendant, Morgan Holmes, on June 5, 2020. ECF No. 8. Defendant failed to appear or respond to the Complaint by June 26, 2020, Defendant's deadline to answer. On July 6, 2020, Plaintiffs requested a Clerk's Certificate of Default, ECF Nos. 9-10, which the Clerk of Court issued that same day, ECF No. 11. Plaintiffs filed a Motion for Default Judgment on October 14, 2020, ECF Nos. 14-18. This Court issued an Order to Show Cause why default judgment should not be entered on October 19, 2020, ECF No. 21. Defendant has failed to reply to the Court's Order to Show Cause.

Upon the declaration of Thomas P. Keane dated October 14, 2020 and the exhibits attached thereto; the declaration of Glen Camisa dated October 6, 2020 and the exhibits attached thereto, and the memorandum of law in support of Plaintiffs' motion for default judgment, it is hereby

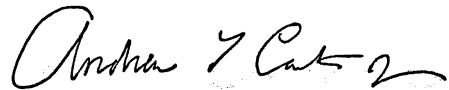
ORDERED that the Clerk of Court enter judgment against Defendant in the amount of \$98,783.84 comprised of:

1. \$68,663.19 in delinquent contributions for the period from the week ending September 30, 2019 through the week ending October 10, 2018;
2. Interest in the minimum amount of \$3,752.57, calculated at the prime rate plus twelve percent (12%) with a minimum of fifteen percent (15%) per year in accordance with Article XII, Section 15 of the collective bargaining agreement;
3. \$ 13,732.64 in liquidated damages, which represent 20% of the amount owed in unpaid contributions for the period from week ending September 20, 2018 through week ending October 10, 2018, pursuant to the Collective Bargaining Agreement and 29 U.S.C. § 1132(g)(2)(C);
4. Attorneys' fees in the amount of \$11,970.50 pursuant to 29 U.S.C. §1132(g)(2)(D); and
5. Costs in the amount of \$664.94.

SO ORDERED.

Dated: November 20, 2020

New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge